**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN**
**&**
**THE HONOURABLE MR. JUSTICE M.N.KRISHNAN**

**TUESDAY, THE 9TH JANUARY 2007 / 19TH PAUSHA 1928**

**MACA.No. 1070 of 2004(C)**
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**OPMV.658/1998 of MOTOR ACCIDENT CLAIMS TRIBUNAL, PALA**
**.....**

**APPELLANT/PETITIONER.**
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**ANNAKUTTY, D/O.PATHROSE,**
**OTTATHUKKUNNUKPURATHU, KIDANGOOR, KOTTAYAM.**

**BY ADV. SRI.V.K.SUNIL**

**RESPONDENTS: RESPONDENTS.**
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**1. VIKAS VARGHESE, OZHUKAYIL HOUSE,**
**KIDANGOOR, KOTTAYAM.**

**2. MARYVARGHESE, OZHUKAYIL HOUSE,**
**KIDANGOOR, KOTTAYAM.**

**3. THE NEW INDIA ASSURANCE CO.LTD.**
**KOTTAYAM.**

**BY ADV. SRI.THOMAS MATHEW NELLIMOOTTIL**

**THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD**
**ON 09/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**K.S. RADHAKRISHNAN & M.N. KRISHNAN, JJ.**

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**M.A.C.A. NO. 1070 OF 2004**

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**Dated this the 9th day of January, 2007.**

**J U D G M E N T**

**Krishnan,J.**

This is an appeal preferred against the award of the Motor Accidents Claims Tribunal, Pala in O.P.(MV) 658/98. The claimant sustained injuries in a road accident and she was awarded a compensation of Rs.76,650/-. Aggrieved by that decision she has come up in appeal. The learned counsel for the appellant would submit that the compensation awarded is inadequate.

2. A perusal of the award would reveal that she had sustained fracture of both bones of of right leg besides some abrasion on the right elbow. She was admitted in the Medical College Hospital, Kottayam and internal fixation was done. Though it is contended that she was getting a monthly salary of Rs.4,000/- and she has produced Ext.A8 certificate, the Tribunal rejected it on the ground that it was not properly proved. In the claim petition she has described herself as a sales manager whereas in the document she is styled as a clerk. So even

regarding the employment there is no consistency. In the absence of any evidence including the evidence of the claimant, the Tribunal rightly rejected the certificate and fixed the income at Rs.1,500/- and proceeded to calculate the compensation. Before the Tribunal a disability certificate showing 10% disability was produced and that has been accepted in toto by the Tribunal. The Tribunal granted 8 months loss of earning at Rs.12,000/-. By fixing the income at Rs.1,500/- after applying a multiplier of 18, the Tribunal had granted a compensation of Rs.32,400/- for permanent disability compensation. It further granted Rs.15,000/- towards pain and sufferings, Rs.1,000/- towards extra nourishment, Rs.2,000/- towards transport expenses, Rs.4,000/- towards medical bills and bystander's expense and also awarded an amount of Rs.250/- towards damages to clothing. Therefore, all the materials produced were properly considered by the Tribunal and a just and reasonable compensation has been granted in this case. Therefore, the appeal lacks merit and it is dismissed.

**K.S. RADHAKRISHNAN, JUDGE.**

**M.N. KRISHNAN, JUDGE.**

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